

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID H. JACOB,

Plaintiff,

vs.

ROSALYN COTTON, Chairperson,
Nebraska Board of Parole; MARK T.
LANGAN, Member, Nebraska Board of
Parole; ROBERT TWISS, Member,
Nebraska Board of Parole; LAYNE
GISSLER, Member, Nebraska Board of
Parole; and VIRGIL J. PATLAN,
Member, Nebraska Board of Parole;

Defendants.

4:20CV3107

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion to Extend Deadline for Filing Amended Pleadings (Filing 40) requesting that such deadline, contained in the court's Order Setting Schedule for Progression of Case (Filing 29), be extended from August 10, 2021, to September 21, 2021, because incomplete discovery responses from some of the Defendants suggest a "potentially further constitutional violation in this case." Plaintiff also indicates that he is attempting to correct discovery problems by communicating directly with Defendants' counsel, but he may need "additional discovery." (Filing 40 at CM/ECF p. 2.)

Because Plaintiff's need to file a motion to amend his pleadings and for further discovery appears uncertain and dependent upon the outcome of discovery discussions with Defendants' counsel, I shall deny Plaintiff's Motion as premature, especially since Plaintiff still has time to compel additional discovery if needed (Filing 29, Order Setting Schedule for Progression of Case ¶ 3 (motions to compel discovery may be filed by September 21, 2021)), and Fed. R. Civ. P. 15(a)(2) allows

a party to amend pleadings with the court's leave, which should be freely given when justice so requires.¹ Accordingly,

IT IS ORDERED that Plaintiff's Motion to Extend Deadline for Filing Amended Pleadings (Filing 40) is denied without prejudice as premature.

DATED this 17th day of August, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

¹ Plaintiff should note that Defendants' counsel, Ben Goins, was replaced with new counsel, Scott Straus, on August 12, 2021, (Filing 39) which may have caused a delay in Defendants' response to Plaintiff's August 6, 2021, letter (Filing 40) to counsel.